

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WILLIAM SEYMOUR JONES,

Plaintiff,

V.

ZARA, ET AL.,

Defendants.

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Civil Case No. 03-CV-3947 (FSH)

OPINION AND ORDER

Date: July 6, 2005

HOCHBERG, District Judge

Plaintiff William Seymour Jones appeals the June 2, 2005 Order of Magistrate Judge Schwartz granting Defendant Contract Pharmacy Service's request to file Exhibits embodying Plaintiff's confidential medical records under seal and providing procedures should Plaintiff elect to execute a waiver of any privacy interest in his medical records.

This Court having reviewed Magistrate Judge Schwartz's Order and the submission of Plaintiff, and

it appearing that Magistrate Judge Shwartz considered the concerns of HIPAA and Plaintiff's privacy interest in his medical records before granting Contract Pharmacy Service's request to seal, and

it appearing that this Court has not been made aware of any waiver by Plaintiff of his privacy interest in the medical records, and

it appearing that the Order is neither clearly erroneous nor contrary to law,¹

IT IS on this 6th day of July, 2005,

ORDERED that the June 2, 2005 decision by Magistrate Judge Shwartz granting Contract Pharmacy Service's request to seal exhibits is **AFFIRMED**.

/s/ Faith S. Hochberg, U.S.D.J.

HON. FAITH S. HOCHBERG, U.S.D.J.

¹This Court reviews the June 2, 2005 Order under the clearly erroneous standard. A Magistrate's adjudication of a non-dispositive motion will be set aside only if the order is found to be clearly erroneous or contrary to law. Cipollone v. Liggett Group, Inc., 785 F.2d 1108, 1111, 1113 (3d Cir. 1986) cert. denied, 484 U.S. 976, 108, S. Ct. 487 (1987) (citing 28 U.S.C. § 636(b)(1)(A); see also Fed. R. Civ. P. 72(a); L. Civ. R. 72.1(c).